

## **Remarks**

### **Status of the Claims**

Claims 1-30 were pending in the application. All claims stand rejected. By this paper, claims 1, 4-5, 13-15, 19, and 27-30 have been amended, and claims 6-8 and 18 have been canceled without prejudice or disclaimer. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### **Claim Rejection – 35 U.S.C. § 101**

Claim 30 stands rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Applicant has amended claim 30 herein to recite, among other things, a “computer readable storage medium comprising program code for causing a computer to perform a method for automatically answering and recording video calls.” The amendment is supported by the originally filed specification. See, for example, page 20 lines 10-12. Applicant respectfully submits that claim 30, as amended herein, is directed to statutory subject matter and requests that the rejection under 35 U.S.C. § 101 be withdrawn.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1, 4-8, 15, 18-22, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,778,053 issued to Skarbo et al. (“Skarbo”) in view of U.S. Patent No. 6,646,673 issued to Caviedes et al. (“Caviedes”);

claims 2, 3, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Skarbo in view of Caviedes and further in view of U.S. Patent No. 5,825,752 issued to Fujimori ("Fujimori"); claims 9-11, 14, 23-25, and 28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Skarbo in view of Caviedes and in further view of U.S. Patent No. 7,184, 522 issued to Brunelle et al. ("Brunelle"); claims 12 and 26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Skarbo in view of Caviedes and in further view of U.S. Patent No. 6,418,211 issued to Irvin ("Irvin"); and claims 13 and 27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Skarbo in view of Caviedes in view of Irvin. These rejections are respectfully traversed. As set forth below, Applicant respectfully submits that each of the pending claims is patentably distinct from the cited references, individually and collectively.

1. Skarbo and Caviedes do not establish two-way communication while a video signal is being recorded.

The present invention automatically answers and records video calls. In some embodiments, a user is allowed to establish two-way communication with a caller after the caller begins to leave a video message. An aspect of certain claims is that the incoming video message continues to be recorded while the two-way communication is established.

According to page 4 of the Office Action, FIG. 3 of Skarbo allegedly discloses "while the video message is being recorded, establishing two-way communication between the user and the caller in response to a user command." However, Applicant respectfully disagrees that Skarbo establishes two-way communication while the video message is being recorded. To the contrary, Skarbo clearly teaches that its answering

machine (AM) service **terminates** and a data conference manager (CM) takes over **when the callee accepts the call**. Col. 6, lines 14-20. As discussed below, **after** the two-way communication has been established, the user may then decide to continue recording the video message. However, because the answering machine service terminates, there is no teaching or suggestion that two-way communication is established **while the incoming video signal continues to be recorded**, as recited, among other things, in amended claims 1, 14, 28, and 29.

Applicant also respectfully submits that Caviedes is silent as to establishing two-way communication while a video signal is being recorded.

2. Skarbo and Caviedes do not automatically record incoming and outgoing video signals after establishing two-way communication.

An aspect of certain pending claims is that, after establishing the two-way communication, **both** incoming and outgoing video signals are recorded without user intervention. Thus, the two-way communication is automatically captured.

Pages 4 and 5 of the Office Action refer to col. 19, lines 1-8 for the assertion that Skarbo continues recording the video message during the two-way communication and that Skarbo records both incoming and outgoing video signals. Applicant, however, respectfully disagrees. FIG. 17 of Skarbo is a record and playback service dialog panel window 1700 (col. 17, lines 66-67), which is separate from the answering machine service that (as discussed above) terminates when the call is answered.

Further, Applicant respectfully submits that the record and playback service provided by the window shown in FIG. 17 of Skarbo requires a user action to affirmatively select whether or not to record a video signal. See col. 18, lines 65-67 (stating that “the user clicks the Record button 1711”).

Further, Skarbo teaches that the entire two-way communication cannot be recorded. Rather, only local video captured by the local user's camera may be recorded **or** remote video from a remote user may be recorded. Col. 19, lines 1-8 (stating that "the user may press **either** a 'Local' or 'Remote' button, which are **mutually exclusive** buttons so that only one may be selected at a time"). (Emphasis added).

Applicant also respectfully submits that Caviedes is silent as to automatically recording both incoming and outgoing video signals after establishing two-way communication.

Thus, Skarbo and Caviedes, either alone or in combination, do not teach or suggest "while the incoming video signal continues to be recorded: establishing two-way communication between the user and the caller in response to a user command, the two-way communication comprising the incoming video signal and an outgoing video signal; and **without user intervention, recording the outgoing video signal along with the incoming video signal,**" as recited, among other things, in amended claim 1. (Emphasis added). Claim 29, as amended herein, includes similar limitations.

3. Skarbo, Caviedes and Irvin do not automatically answer and record video calls based on a network address associated with a caller.

An aspect of certain pending claims is that a network address associated with a caller is identified and compared with an auto-answer list. If the particular network address is included in the auto-answer list, then a pre-recorded video greeting is sent to the caller and a video message from the caller is automatically recorded.

Page 9 of the Office Action concedes that "Skarbo and Caviedes do not disclose a system for determining whether the caller is identified within an auto-answer list and sending a greeting in response to the caller being included within the auto-answer list."

Page 10 of the Office Action then FIG. 2 of Irvin for the assertion that Irvin teaches an auto-answer list.

Applicant respectfully submits that Irvin is unrelated to the subject matter of the present invention. Rather, Irvin merely teaches a telephone with call-screening capabilities. Col. 1, lines 39-41. When call-screening is enabled, Irvin teaches comparing a standard caller ID number (telephone number) to an accept list and a divert list. Col. 4, lines 51-57. However, using the caller ID information provided through standard telephones as taught by Irvin is completely unrelated to an interactive television that handles video calls. In particular, Irvin, even if combined with Skarbo and Caviedes, does not teach or suggest "determining whether the network address is included within an auto-answer list; and in response to the network address being included within the auto-answer list: automatically sending a pre-recorded video greeting to the network address; and automatically recording a video message comprising a video signal received from the network address," as recited, among other things, in amended claim 13. Claim 27, as amended herein, includes similar limitations.

4. Skarbo, Caviedes and Brunelle do not notify the user concerning the identity of the caller by displaying a video signal from the caller on a display device of an interactive television.

An aspect of certain pending claims is that a request to establish a video call includes a video signal generated by the caller and the identity of the caller is provided to a user by displaying a video signal from the caller on a display device of an interactive television. Thus, for example, the user may view an image of the caller before answering the video call or before the video call is automatically answered and recorded.

Page 4 of the Office Action asserts that Skarbo teaches that “the request comprises a video signal generated by a video camera associated with the caller, and wherein notifying comprises: displaying the video signal on a display device of the interactive television system.” For support, the Office Action cites FIGS. 2 and 11 of Skarbo. Applicant, however, respectfully disagrees.

FIG. 2 of Skarbo merely indicates text stating “Incoming call from Christopher at 503 324 5555.” Clearly, this notification of the caller’s identity does not include video. Further, FIG. 11 is not even a notification to the callee of the caller’s identity. Rather, FIG. 11 is an audio/video (AV) greeting dialog presented to the caller by the callee’s answering machine (AM). See, col. 13, lines 30-35. In addition, Applicant respectfully submits that Skarbo, Caviedes and Brunelle are completely silent as to a request to establish video communication that includes a video from the caller displayed to the recipient of the request for identification of the caller.

Specifically, Skarbo, Caviedes and Brunelle, neither individually nor when combined, teach or suggest “wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive television,” as recited, among other things, in amended claims 14, 15, 28 and 30.

## **Conclusion**

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fail to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter.

A Notice of Allowance is respectfully requested.

Respectfully submitted,

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